UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,190	05/01/2001	Christophe Vermeulen	Q64091	2556

7590   08/24/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3213

EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/845,190	VERMEULEN, CHRISTOPHE
	Examiner	Art Unit	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-13* is/are rejected.
7)☒ Claim(s) *10-13* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 10,11 and 12 objected to because of the following informalities:

Insert a colon after the word comprising, to be "comprising:".

2.   Claim 10 objected to because of the following informalities:

Change "system," to "system;" on lines 4 and 12 of the claim.

3.   Claim 11 objected to because of the following informalities:

Improper format lacking colon and indentation of claim elements. Where a claim sets

forth a plurality of steps, each step of the claim should be separated by a line indentation, 37

CFR 1.75(i).

4.   Claim 13 objected to because of the following informalities:

Change "Search engine" to "A search engine" on line 1 of the claim.

Appropriate action is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims rejected under 35 U.S.C. 102(e) as being anticipated by Logue et al. (US Patent

No 6,647,421).

7.   In reference to claim 1, Logue teaches a method of loading a file from a distributed file

system into a client comprising the steps of:

        providing a cache memory for temporarily storing loaded files; prior to each loading

process, checking the cache memory see whether a file to be loaded is present in the cache

memory or not; loading the file from the cache memory, if the file is in the cache memory; and

loading the file from the distributed file system otherwise; (Summary and column 5 lines 7-45)

        wherein the step of checking the cache memory comprises computing a hash code from

the file to be loaded; and checking the cache memory by means of the hash code, see whether the

file is contained in the cache memory. (column 9 line 55 – column 10 line 23, column 10 lines

40-67 and column 11 lines 10-55)

8.   In reference to claim 2, Logue teaches a method as claimed in claim 1 wherein the

distributed system is a network with a plurality of servers. (column3 lines 35-67 and figure 1)

9.   In reference to claim 3, Logue teaches a method as claimed in claim 2 wherein the

network Internet or an intranet. (column 1 lines 30-55 and column 3 lines 25-55)

10.   In reference to claim 4, Logue teaches a method as claimed in claim 1 wherein the cache

memory is provided in a proxy server interposed between the distributed file system and the

client. (column 5 lines 7-45 and figure 4)

11.   In reference to claim 6, Logue teaches a method as claimed in claim 1 wherein the hash

code is computed via the MD5 algorithm. (column 9 line 55 – column 10 line 23, column 10

lines 40-67)

12.   In reference to claim 7, Logue teaches a method as claimed in claim 1 wherein the client

sends request to a server from which the file is be loaded, wherein the server then computes and

returns the hash code, and wherein subsequently the checking of the cache contents is done by

means of the hash code (figure 4, column 5 lines 7-45, column 9 line 55 – column 10 line 23 and

column 11 lines 10-57)

13.   In reference to claim 8, Logue teaches a method as claimed in claim 1 wherein the hash

code is defined in a hypertext link pointing at the file to be loaded. (summary, column 9 line 55 –

column 10 line 23 and column 10 lines 40-67)

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

15.   Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Logue et al. (US

Patent No 6,647,421) in view of Toh et al (US Patent No 6,128,652).

Logue teaches the method of claim 1 above. Logue fails to explicitly teach wherein the cache memory is the provided in the client. Checking local memory for previously loaded files and resources is well known in the art and is taught by Toh and others for the purpose of accelerating file requests. (Abstract and Summary)

It would have been obvious for one of ordinary skill in the art to modify Logue by making the cache memory provided on the client as per the teachings of Toh so as to accelerate file requests.

16.   Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Logue et al. (US Patent No 6,647,421) in view of Monier (US Patent No 5,974,455).

Logue teaches the method of claim 1 above. Logue fails to explicitly teach wherein if the file to be loaded is not contained in the cache memory, request is made to a search engine to retrieve an address at which the file can be found in the distributed file system. However, Monier teaches wherein if the file to be loaded is not contained in the cache memory, request is made to a search engine to retrieve an address at which the file can be found in the distributed file system so as to efficiently locating and fetching web documents. (Summary, column 5 lines 20-67, column 7 lines 9-31 and column 8 lines 15-65)

It would have been obvious for one of ordinary skill in the art to modify Logue where if the file to be loaded is not contained in the cache memory, request is made to a search engine to retrieve an address at which the file can be found in the distributed file system as per the teachings of Monier so as to efficiently locating and fetching web documents.
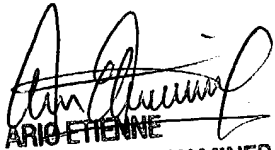
17.   Claims 10-13 do not teach or define any new limitations above claims 1-9 as mentioned

above and are therefore rejected for similar reasons.

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050.

The examiner can normally be reached on M-F 9-5.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
August 22, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100